

The Library of Congress'

EARLY STATE RECORDS PROJECT

converted from the original microfilm held by the
Vincent C. Immel Law Library, Saint Louis University

through the generous support of a grant from the

Council on Library and Information Resources

R U L E S
AND
REGULATIONS
FOR THE
GOVERNMENT
OF THE
HOUSE OF DELEGATES.

West Virginia. Legislature. House of delegates

WHEELING, W. V:

JOHN F. M'DERMOT, PUBLIC PRINTER.

1865.

R U L E S

OF THE

HOUSE OF DELEGATES.

Officers of the House.....	Rule 1	Motion to reconsider.....	Rule 55, 56
Time of Meeting.....	2	Motion to fill blanks.....	48
Prayer.....	3	QUESTIONS AND VOTES.	
The call to order—Reading Journal.....	4	How put—division of the House.....	6, 37
The Journal.....	4, 5, 16 to 19, 23	Questions of consideration.....	39
Speaker—duties of.....	6 to 16	Previous Question.....	41, 44, 45, 46, 78
Clerk—duties of.....	16 to 21	Dividing a Question.....	53
Sergeant-at-Arms—duties and bond.....	26 to 29	Yeas and Nays.....	78, 21, to 24
Doorkeeper—duties of.....	30	Vote in election of officers.....	65
Janitor—duties of.....	31	Rules to prevent disorder.....	24, 38
MEMBERS.		COMMITTEES.	
To be called alphabetically.....	22	To be appointed by Speaker.....	10
Not to absent themselves.....	32	Chairman of.....	66
Not to vote if interested.....	33	When to meet.....	67
Nor if outside the Bar.....	33	May report by bill.....	68
All inside to vote.....	34	Not to sit while House is in session.....	69
Motion to excuse from voting.....	34	Of what number to consist.....	70, 71
Call to Order.....	61, 62	Quorum of.....	72
REGULATION OF DEBATE.		Standing committees.....	73
When two or more rise at once.....	9	Committee on Elections, &c.....	74
Disorder or interruption.....	11, 38, 60	Committee on Taxation, &c.....	75
Rules to be observed by speaker.....	58, 59	Committee on Executive offices.....	76
Call to Order.....	61, 62	Committee of the whole.....	77, 78
Member may speak but twice.....	63, 78	OATHS.	
Concluding speech—right to.....	44, 64	Administered by Speaker and Clerk.....	95
Previous question.....	41, 44, 45, 46, 78	ORDER OF BUSINESS.	
What motions put without debate.....	34, 42, 83	Unfinished business.....	79
MOTIONS.		Call for reports.....	80
To be reduced to writing.....	35	Other business arranged.....	81
Seconded—statement of.....	36	Orders of the day.....	81
When may be withdrawn.....	36	Message—receiving of.....	82
When to lie over for a day.....	40	BILLS.	
What motions in order during debate.....	41	How introduced.....	68, 84
Precedence of different motions, 41, 47, 48, 49, 50		Readings.....	25, 81, 85, 86, 87, 96
What motions put without debate.....	34, 42, 83	Commitment.....	87, 88, 89
Motion to adjourn.....	41, 43	Amendment.....	87, 88, 89, 90
Previous question.....	41, 44, 45, 46, 78	Rider.....	90
Motion to amend.....	41, 45, 49, 50, 51, 52, 54	Engrossment.....	87, 89
Motion to commit.....	41, 47	Appropriation bills.....	91
Motion to postpone.....	41, 44	Papers ordered to be printed.....	86, 92
Indefinite postponement.....	41, 57	Jefferson's Manual.....	93
Motion to strike out and insert.....	54	Altering or suspending the rules.....	94
Motion to lie on the table.....	41, 42		

1. The House, at the commencement of its first session in each year, shall elect by ballot its Speaker, Clerk, Sergeant-at-Arms, Doorkeeper, and Janitor; and the Speaker appoint two Pages.

2. The House, unless it be otherwise directed by special order, shall meet every day, except Sundays, at ten o'clock in the forenoon.

3. The Speaker shall arrange with the Ministers of the several religious denominations, at or near the seat of government, to open the sittings daily with prayer.

4. The Speaker shall take the Chair and call the members to order

precisely at the hour of meeting; and after prayer, if a quorum be present, cause the Journal of the preceding day to be read.

5. When the Journal has been read, if no objection be made, it shall be signed by the Speaker. But if objection be made, the first business of the House shall be to dispose of the same; and when such objection is disposed of, and the Journal corrected as the House may order, it shall then be signed.

6. It shall be the duty of the Speaker to preserve order and decorum while the House is in session; to enforce the rules and orders of the House; to prescribe the order in which business shall come up for consideration, subject to the rules and orders of the House; to announce the question or business before the House when properly requested by any member; to receive all messages and other communications; to put to vote all questions which are properly moved and seconded; to announce the result of all votes; and to authenticate by his signature, when necessary, the acts and proceedings of the House.

7. He shall decide all questions of order, subject to an appeal to the House. He may speak to questions of order in preference to other members, and may make the concluding speech on any appeal from his decision notwithstanding he may have before spoken on the question; but no other member shall speak more than once on such appeal, without leave of the House.

8. When properly requested by a member, he shall inform the House upon any point of order or practice, pertinent to the business before it.

9. When two or more members rise at the same time, the Speaker shall name the member who is first to speak.

10. He shall name the members who are to serve on committees, unless it be otherwise ordered by the House.

11. If there be any disturbance or disorderly conduct in the lobby, the Speaker, or Chairman of the Committee of the Whole, may order the same to be cleared.

12. The Speaker, subject to the orders of the House, may assign convenient seats within the bar to stenographers and reporters wishing to take down the debates.

13. In all cases of ballot by the House, the Speaker shall vote. In other cases he shall not be required to vote, unless the House be equally divided; or his vote, if given to the minority, would make the division equal; or the question be one in which the concurrence of a greater number than a majority of a quorum is necessary to an affirmative decision.

14. The Speaker may name any member to perform the duties of

the chair; but no one, by virtue of such appointment, shall act as Speaker for more than three days.

15. All writs, warrants, and subpoenas ordered by the House shall be signed by the Speaker and attested by the Clerk.

16. The clerk of the House, under direction of the Speaker, shall keep a full and correct Journal of the proceedings; and it shall be the duty of the Speaker to examine the Journal daily before it is read, and cause all errors and omissions therein to be corrected.

17. Every written motion made to the House shall be inserted on the Journal, with the name of the member making it, unless it be withdrawn on the same day it is submitted.

18. The member who presents a petition or memorial, or offers a resolution on which a vote of the House is taken, shall be named on the Journal.

19. It shall be the duty of the clerk, after the Journal of any day is signed by the Speaker, to furnish a copy to the Printer to be printed and distributed without delay.

20. The clerk shall have the custody of all records and papers of the House; and shall not allow them to be taken from his table or out of his possession without leave of the House, unless to be delivered to committees to whom they may have been referred. He shall endorse on bills or papers, brief notes of the proceedings had thereon by the House, and preserve the same in convenient files for reference.

21. It shall be his duty to read to the House all papers ordered to be read; to call the roll, and note and report the absentees, when a call of the House is ordered; to call the roll and note the answers of members, when a question is taken by Yeas and Nays; to assist, under the direction of the Speaker, in taking the count when any vote of the House is taken; to notify committees of their appointment and of the business referred to them; to superintend the execution of all printing ordered by the House, and report to the Speaker, to be submitted to the House, every failure of the Printer to execute the same properly and promptly.

22. Upon calls of the House, and in taking the Yeas and Nays, the names of the members shall be called alphabetically.

23. On the passage of every bill, and when the Yeas and Nays on any question are called for by one-fifth of those present, the Speaker shall direct the roll to be called, and every member present shall answer *Yea* or *Nay*, when his name is called. Before the result is announced, the clerk shall first read to the House the names of those who voted in the affirmative, and then of those who voted in the negative, at which time any member may correct a mistake

committed in taking down his vote. The result shall then be announced, and the Yeas and Nays be entered on the Journal; but if the House so order, the announcement of the result, and the entry of the Yeas and Nays upon the Journal, may be postponed to the succeeding day, with liberty to absent members, at any time before the result is announced by the Speaker, to appear and vote *Yea* or *Nay* in presence of the House; and any member may, in presence of the House, change his vote, before the result is so announced.

24. No member, or other person, shall visit or remain by the Clerk's table while the Yeas and Nays are being called, or any vote by ballot is being counted.

25. Before any bill is read by the clerk, he shall state to the House, whether it is on its first, second or third reading.

26. It shall be the duty of the Sergeant-at-Arms to attend the House while in session; to aid in the enforcement of order, under direction of the Speaker; to execute the commands of the House, from time to time, together with all such process issued under its authority as may be directed to him by the Speaker; and under direction of the Speaker, and subject to the orders of the House, to purchase and furnish to the members such things as may be necessary or proper for the convenient transaction of the business of the House and its committees.

27. The Sergeant-at-Arms, under direction of the Speaker, shall superintend the distribution, by the pages, of all documents and papers to be distributed among the members.

28. It shall also be the duty of the Sergeant-at-Arms, to keep the accounts for pay and mileage of members; to prepare and sign warrants or requisitions for the same, and if required by any member who shall endorse his warrant or requisition for that purpose, to draw the money thereon, and pay over the same to the member entitled thereto.

29. The Sergeant-at-Arms shall give bond with surety in the penalty of two thousand dollars, payable to the State of West Virginia, and conditioned for the faithful performance of the duties of his office—such bond to be approved by the Speaker and filed with the Clerk of the House for safe-keeping.

30. The Doorkeeper shall attend the House while in session, and under direction of the Speaker, execute the orders of the House respecting the admission and exclusion of persons from the Hall. He shall, when required by the Speaker, aid in the enforcement of order.

31. The Janitor, under direction of the Speaker, shall have care

of the Hall and committee rooms of the House, and keep the same, at all times, in a neat and proper condition.

32. No member shall absent himself from the service of the House unless he have leave, or be sick and unable to attend.

33. No member shall vote on any question in the result of which he is immediately and particularly interested; and except in the case provided for in the twenty-third rule, no member shall vote if he was not within the Bar when the question was put, unless leave be given him by the House.

34. Every member within the Bar when a question is put, shall vote, unless he is immediately and particularly interested therein, or the House excuse him. All motions to excuse a member from voting, must be made before the House divides, or before the call of the Yeas and Nays is commenced, and shall be decided without debate, except that the member making the motion may briefly state the reason why, in his opinion, it ought to be adopted.

35. Every motion shall be reduced to writing, if the Speaker or any member desire it.

36. When a motion is made and seconded, it shall be stated by the Speaker; or being in writing shall be handed to the chair and read aloud by the clerk; and shall then be deemed to be in possession of the House, but may be withdrawn by the mover before any order of the House respecting the same has been made.

37. Questions shall be distinctly put in this form—"As many as are of opinion that" (as the question may be,) "say Yea," and after the affirmative vote expressed,— "As many as are of the contrary opinion, say Nay." If the Speaker doubt, or a division be called for, the House shall divide; those in the affirmative of the question shall first arise from their seats, and remain standing till they are counted, and afterwards those in the negative. The count may be made by the Speaker, or if he so direct, by the clerk, or by two members, one from each side, to be named for that purpose by the Speaker. When the result is ascertained, the Speaker shall rise and state the decision to the House.

38. While the Speaker is putting any question, or ascertaining the result, no one shall walk out of or across the House; nor in such case, or when a member is speaking, entertain private discourse, or if a member be speaking, pass between him and the chair.

39. When any motion or proposition is made, the question—"Will the House now consider it" shall be put, if demanded by two members, or deemed proper by the Speaker, and shall be decided without debate.

40. When a resolution is presented containing no reference of the

subject thereof to a committee, if objection be made to its immediate adoption, it shall lie on the table for one day to be called up on motion.

41. When a question is under debate, no motion shall be received but to adjourn, to lie on the table, for the previous question, to postpone to a specified day, to commit, to amend, or to postpone indefinitely; which motions shall severally have precedence in the order in which they are here arranged.

42. The motions to adjourn, and to lie on the table, shall be put without debate.

43. A motion to adjourn, and a motion to fix the time to which the House shall adjourn, shall always be in order, if the mover be entitled to the floor.

44. If the previous question be demanded by not less than seven members, the Speaker shall, without debate, put the question—"Shall the main question be now put?" If this question be decided in the affirmative, the mover or introducer of the principal matter pending shall be entitled, before the main question is put, to make the concluding speech thereon, unless he has before spoken twice on the subject; but with this exception, all further debate shall cease, and the question shall be put on any motion to commit, or to amend, then pending, and then upon the main question. If a motion to postpone be pending when the previous question is demanded, the only effect will be to bring the House, without further debate, to a vote on the question of postponement. When the House refuses to order the main question, the consideration of the subject shall be resumed as if the previous question had not been demanded.

45. The House may, at any time, when demanded by not less than seven members, close the debate on any pending amendment or substitute. But this shall not preclude other amendments, or debate on the principal bill or resolution.

46. The previous question shall not be admitted in the committee of the whole.

47. When a motion is made to commit any subject to a special committee, a motion to commit the same to the committee of the whole, or a standing committee, shall have precedence.

48. In filling blanks, the largest sum and longest time proposed shall be first put, and the question shall be put on names in the order they were nominated.

49. If a substitute for a bill or resolution be offered, a motion to amend the original bill or resolution shall have precedence.

50. If a motion be made to strike out part of a bill or resolution, a motion to amend the part proposed to be stricken out shall have precedence.

51. No motion on a subject different from that under consideration shall be admitted, under color of amendment.

52. A motion to amend a pending amendment may be received, but until it is disposed of, no further motion to amend will be in order.

53. Any member may call for a division of any question pending, before the vote thereon is taken, if it comprehend propositions in substance so distinct that, one being taken away, a substantive proposition will remain for the decision of the House; but the member calling for the division of a question shall state in what manner he proposes it should be divided.

54. A motion to strike out and insert shall be deemed indivisible. And though a motion to strike out certain words be lost, it shall not preclude a motion to strike out part of the same words, or a motion to amend, or to strike out and insert.

55. A question being once determined must stand as the judgment of the House, and cannot again be drawn into debate during the same session, unless reconsidered. But it shall be in order for any member of the majority, on the same or the succeeding day, to move for a reconsideration thereof; and such motion, if seconded, shall take precedence of all other questions, except a motion to adjourn, and shall not be withdrawn without leave of the House; and thereafter any member may call it up for consideration.

56. When a majority of members present vote in the affirmative on any question, but the question be lost, because it is one in which the concurrence of a greater number than a majority of a quorum is necessary to an affirmative decision in such case, any member may move for a reconsideration.

57. When a question is postponed indefinitely, the same shall not be acted on again during the session.

58. When a member is about to speak in debate, or deliver any matter to the House, he shall rise from his seat, and respectfully address himself to "Mr. Speaker," and shall confine himself to the question under debate, and avoid all personality and indecorous or disrespectful language.

59. When a member rises and addresses the chair, the Speaker shall recognize him by name, but no member in debate shall designate another by name.

60. No one shall disturb or interrupt a member who is speaking without his permission, except to call to order if he be transgressing the rules.

61. If a member, in speaking or otherwise, transgress the rules of the House, the Speaker shall, or any member may, call to order.

in which case, the member so called to order shall immediately sit down, unless permitted to explain. If the decision be in favor of the member called to order, he shall be at liberty to proceed; if otherwise, he shall not be permitted to proceed, if any member object, without leave of the House; and if the case require it, shall be liable to the censure of the House.

62. If a member be called to order for words spoken in debate, the person calling him to order shall repeat the words excepted to and they shall be taken down in writing at the clerk's table. And no member shall be held to answer, or be subject to the censure of the House, for words spoken in debate, if any other member has spoken, or other business has intervened, after the words were spoken and before the exception to them was taken.

63. No member shall speak more than twice to the same question, without leave of the House.

64. The mover or introducer of the principal question under consideration, shall have the right, unless he have spoken twice, to make the concluding speech thereon; and the chairman of the committee reporting a bill or resolution, or any member of such committee named by him for the purpose, shall be deemed the introducer thereof.

65. In the election of officers by the House, the vote shall be by ballot, and a majority of the whole number of votes given shall be necessary to elect, but blank ballots shall not be taken into the count to effect the result in any way. If upon any vote, there be no election, the person having the lowest number of votes shall be dropped, and any votes thereafter given to such person shall not be taken into the count to effect the result in any way. But if two or more have the lowest and equal number of votes, they may be voted for again.

66. Every committee, by a majority of their number, may elect a chairman; but if no such election be made, the first named members of the committee, if it be appointed by the Speaker, shall act as chairman.

67. Every committee shall meet at such times as they may appoint, or, on the call of the chairman, or any two of its members.

68. The several standing committees shall have leave to report by bill or otherwise.

69. No committee shall sit without special leave while the House is in session.

70. Standing committees shall consist of five members, and no standing committee shall be increased except by the affirmative vote of at least two-thirds of the members present.

71. Special committees shall consist of five members, unless otherwise ordered by the House.

72. A majority of a committee shall be a quorum thereof.

73. The following standing committees shall be appointed at the commencement of the regular session of each Legislature:

On Elections and Privileges;

On Taxation and Finance;

On Military Affairs;

On the Judiciary;

On Education;

On Counties, Townships and Municipal Corporations;

On Private Corporations and Joint Stock Companies;

On Roads and Internal Navigation;

On Forfeited and Unappropriated Lands;

On Claims and Grievances;

On Humane and Criminal Institutions;

On Printing and Contingent Expenses;

On the Executive offices;

On Arts, Sciences and General Improvements.

74. The Committee on Elections and Privileges shall examine and report upon the certificates and other evidences referred to them touching the right of persons claiming to have been elected members of this House, or to any office for the State at large; and also upon all such other petitions and matters touching elections and returns, or relating to the privileges of members and officers of the House, or witnesses attending the House or any committee thereof, as shall be referred to them.

75. The Committee on Taxation and Finance shall, as soon as possible after the commencement of the regular session in each year, report the general tax and appropriation bills, with an estimate of the probable revenue and expenditure of the year and of the public debt. They shall, from time to time, report such measures for equalizing and reducing taxation, supplying revenue, and facilitating the collection thereof, reducing the public expenditure, and providing for the principal and interest of the public debt, as may seem to them expedient; and they shall further examine into and report upon all such matters and propositions relating to taxation and finance as shall be referred to them by the House.

76. The Committee on the Executive Offices shall examine the several public offices, and report whether their books and accounts are properly kept—whether the public money has been disbursed according to law and proper diligence used in the collection of revenue; and whether the money received is properly accounted for.

They shall report from time to time, such measures as may seem to them necessary to add to the economy of the Executive offices and the accountability of their officers.

77. When the House shall resolve to go into committee of the whole, the Speaker shall leave his chair, and appoint a chairman to preside in the committee.

78. The Committee of the Whole shall consider and report on such subjects as may be committed to it by the House. The rules of the House shall be observed in the Committee of the Whole, so far as they are applicable, except the rules limiting the times of speaking, concerning the previous question, and taking the yeas and nays. The proceedings in Committee of the Whole shall not be recorded on the Journal of the House, except so far as reported to the House by the chairman of the committee.

79. As soon as the Journal is read and signed, the consideration of the unfinished business in which the House was engaged at the last preceding adjournment shall be resumed, and at the same time each day thereafter, until disposed of; and if from any cause, other business shall intervene, it shall be resumed as soon as such other business is disposed of.

80. When the unfinished business is disposed of, the Speaker shall then call upon each standing committee in regular order, and then upon special committees, for any reports they may have to present; and every such report when made shall lie on the table for consideration, unless otherwise disposed of by order of the House.

81. The reports of committees being disposed of, the business on the Speaker's table shall be taken up and considered in the following order:

1. Messages from the Executive.
2. Messages from the Senate, and amendments proposed by the Senate to bills passed by the House.
3. Bills and resolutions from the Senate on their first and second reading.
4. Engrossed bills, and bills from the Senate on their third reading.
5. Other bills of the House and resolutions on the Speaker's table.
6. The orders of the day; unless a subject was made the order of the day for a particular hour, in which case it may be called for by any member when the hour arrives.
7. Any other business which may be moved or introduced by members.

82. When a message from the Executive or Senate is announced,

other business shall be suspended until it is received, unless the House be at the time actually engaged in taking a vote on some question, in which case it shall be received as soon as the result of the vote is announced. When received it shall lie on the table, to be disposed of in its turn, unless otherwise ordered by the House.

83. All questions relating to priority of business shall be decided without debate.

84. Every bill shall be introduced on the part of a committee, or by motion for leave.

85. The first reading of a bill shall be for information; and if opposition be made to it, the question shall be—"Shall this bill be rejected." If no opposition be made, or if the question to reject be lost, it shall be regarded as ordered to its second reading, unless the House otherwise specially direct.

86. All bills, after their first reading, shall be printed for the use of the House, unless otherwise specially ordered.

87. Upon the second reading of a bill originating in this House, the Speaker shall announce the question to be, whether it shall be engrossed and read the third time or committed; or, if it came from the Senate, whether it shall be read the third time or committed. If no motion be made to commit, or the motion to commit be lost, it shall, on the demand of any two members, be read for amendment, section by section, and when the amendments which may be moved are disposed of, the question, unless the House otherwise order, shall be taken on ordering the bill to be engrossed and read a third time.

88. After commitment of a bill and report thereof to the House, it may be amended; but the amendments, if any, reported by the committee shall be disposed of before any other amendment be considered, unless it be an amendment to an amendment.

89. A bill may be recommitted at any time before its passage. And should such recommitment take place after its engrossment, and an amendment be reported and agreed to by the House, the question shall be again put on the engrossment of the bill.

90. No amendment by way of rider shall be received to any bill after engrossment.

91. No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law.

92. Documents printed by order of the House, shall be printed in pages of the same size as those of the Journal; and a copy of every such document bound up with the Journal, shall be furnished by the Printer to each member of the House at the close of the session, or

as soon as possible thereafter; and twenty additional copies bound as aforesaid shall be delivered to the Clerk of the House to be distributed as the House may order.

93. The rules of parliamentary practice comprised in Jefferson's manual shall govern the House, in all cases not provided for by the rules of the House or the joint rules of the Senate and House of Delegates.

94. No standing rule or order of the House shall be rescinded or changed without one day's notice being given of the motion therefor; nor shall any rule be suspended except by a vote of at least two-thirds of the members present.

95. The Speaker or Clerk shall have authority to administer any oaths required by the business of the House.

96. No bill shall be put upon its second reading until the same shall have been printed and delivered to the members of the House at least one day previous to such reading, unless in cases of emergency.

J O I N T R U L E S

O F T H E

S E N A T E A N D H O U S E O F D E L E G A T E S .

1. When a message is sent by one House to the other, it shall be announced at the door of the House to which it is sent, by the door-keeper thereof, if it be in session, and then be respectfully communicated to the presiding officer by the person by whom it may be sent. But the clerk of one House may communicate a message to the clerk of the other, after adjournment, and any message so sent shall be received by the House to which it is sent whenever it may be again in session.

2. After a bill or joint resolution has passed both Houses, it shall be enrolled by the Clerk of the House of Delegates, by recording the same, in a fair, distinct hand, in a well bound book to be kept for that purpose exclusively, and to be labelled "Acts and Resolutions of the Legislature of West Virginia."

3. A joint standing committee on enrolled bills shall be appointed, consisting of three members of the Senate and three of the House of Delegates, to be selected by their respective Houses, whose duty it shall be to carefully compare all bills and joint resolutions passed by both Houses, with the enrollment thereof, and to correct any errors and omissions that may be discovered, and make report to their respective Houses. After such examination and report, the enrolled bills and resolutions shall be signed in their respective Houses, first by the Speaker of the House of Delegates, and then by the President of the Senate.

4. It shall be in order for the Committee on Enrolled bills to report at any time.

5. After each house shall have *adhered* to their disagreement, the bill or resolution respecting which they have disagreed shall be lost.

5. In all elections by joint vote of the two Houses, they shall

first communicate to each other the names of the persons put in nomination, and shall then vote separately in their own chambers. Two committees shall be appointed, one by each House, to meet together, communicate the votes of their respective Houses, and ascertain the result; and each committee shall report to the House by which it was appointed. If no person have a majority of the whole number of votes given, both Houses shall proceed to another vote, and such subsequent vote shall be communicated and the result ascertained and reported in like manner; and so on till an election be made; and when any person shall have a majority of the whole number of votes given, the presiding officer of each House shall declare such person duly elected.